

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:09-CR-00064-F-2

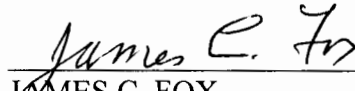
UNITED STATES OF AMERICA,)	
)	
v.)	<u>ORDER</u>
)	
TAVARES LEE WATERS,)	
Defendant.)	

This matter is before the court on Tavares Lee Waters' Motion Requesting Brady and Jenks Material and Grand Jury Minutes and Evidence [DE-190]. In his motion, Waters asserts that the detective who was the "cause" of his conviction has been indicted and convicted. Waters argues that in light of newly discovered evidence of corruption and prosecutorial misconduct, he is seeking production of Brady and Jenks material.

If Waters elects to file a § 2255 motion and it survives preliminary screening, the court may allow discovery. *See* Rules Governing Section 2255 Proceedings, Rules 4, 6. At this time, however, Waters' Motion Requesting Brady and Jenks Material and Grand Jury Minutes and Evidence [DE-190] is DENIED without prejudice.

SO ORDERED.

This, the 18th day of December, 2013.



JAMES C. FOX
Senior United States District Judge